



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 20 2016

The Honorable Diane Black
House of Representatives
Washington, D.C. 20515

Dear Congresswoman Black:

Thank you for your May 19, 2016, letter to Gina McCarthy, Administrator of the U.S. Environmental Protection Agency, concerning your request to perform an environmental assessment on the wind energy project proposed by Apex Clean Energy which is located in Crab Orchard, Tennessee.

Our National Environmental Policy Act (NEPA) Program Office has conducted a preliminary investigation into the proposed wind energy project and could not identify any criteria that would require an environmental assessment to be performed by the EPA, the landowner or the energy company under NEPA. This proposed project appears to be a privately-funded venture that will be located on private land. In addition, there appears to be no direct federal funding or permitting approval required by a federal agency that would potentially trigger the EPA's technical review of an environmental document under NEPA and Section 309 of the Clean Air Act.

Regarding the federal statutes cited in your letter, which include the Endangered Species Act, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act and the Fish and Wildlife Coordination Act, these laws are administered by the U.S. Fish and Wildlife Service (FWS). We have forwarded a copy of your letter to the FWS Southeast Regional Office for their review.

The EPA will initiate coordination and discussions with the FWS if any of these federal laws directly apply to the proposed energy project and if the FWS is required to prepare an environmental assessment for any approvals required of them under NEPA. We appreciate the importance of the natural resources in Cumberland County and for all Tennesseans who visit the Cumberland Mountains.

If you have questions or need additional information from the EPA, please contact me or Allison Wise, in the Region 4 Office of Government Relations, at (404) 562-8327.

Sincerely,

A handwritten signature in blue ink, reading "Heather McTeer Toney", is written over a horizontal line.

Heather McTeer Toney
Regional Administrator

cc: Ms. Cindy Dohner
Regional Director, FWS Southeast Regional Office